

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ASSOCIATION OF AMERICAN
RAILROADS and AMERICAN SHORT LINE
AND REGIONAL RAILROAD
ASSOCIATION,

Plaintiffs,

v.

LIANE M. RANDOLPH, in her official
capacity as Chair of the California Air
Resources Board; STEVEN S. CLIFF, in his
official capacity as Executive Officer of the
California Air Resources Board; and ROB
BONTA, in his official capacity as Attorney
General of the State of California,

Defendants,

and

EAST YARD COMMUNITIES FOR
ENVIRONMENTAL JUSTICE, PEOPLE'S
COLLECTIVE FOR ENVIRONMENTAL
JUSTICE, and SIERRA CLUB,

Proposed Defendant-Intervenors.

No. 2:23-cv-01154-DJC-JDP

ORDER

1 Pending before this Court is Proposed Defendant-Intervenors East Yard
2 Communities for Environmental Justice, People's Collective for Environmental Justice,
3 and Sierra Club's ("Defendant-Intervenors") Motion to Intervene filed November 6,
4 2023. (ECF No. 19.) This Motion is unopposed. (See ECF Nos. 23, 24.)

5 The Court has reviewed the Motion and finds that Defendant-Intervenors satisfy
6 the Ninth Circuit's four-part test for intervention of right pursuant to Rule 24(a).
7 Specifically, the Court finds that (1) the Motion is timely filed, (2) Defendant-
8 Intervenors have significant protectable interests in this litigation, (3) those interests
9 may be impaired by the disposition of this litigation, and (4) the existing Parties may
10 not adequately represent those interests. *See Fed. R. Civ. P. 24(a); Wilderness Soc'y v.*
11 *U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011).

12 Accordingly, IT IS HEREBY ORDERED that Defendant-Intervenors Motion (ECF
13 No. 19) is GRANTED, subject to the conditions of intervention agreed to by all Parties
14 and Defendant-Intervenors:

15 Proposed Intervenors may not expand the scope of this
16 action. In particular, Proposed Intervenors may not move for
17 relief separately from the State Defendants, but Proposed
18 Intervenors are not limited in the arguments they may make
19 within the scope of this action. Proposed Intervenors may
20 submit their own brief in support of any motion filed by the
21 State Defendants. All filings must be in accordance with this
22 Court's Standing Order and may not be duplicative.
23 Proposed Intervenors and Plaintiffs agree not to pursue
24 discovery between themselves.

25 Defendant-Intervenors proposed Answer (ECF No. 22) is also deemed filed.
26

27 IT IS SO ORDERED.
28

Dated: January 5, 2024


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE